

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHAD A. MOORE,

Plaintiff,

vs.

**Case No.: 2:16-cv-987
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

**CENTRAL OHIO DRUG
ENFORCEMENT TASK FORCE
(CODE TF), et al.,**

Defendants.

ORDER

On March 6, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendant's Motion to Dismiss be granted. (*See Report and Recommendation*, Doc. 22). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See* Doc. 23). Defendants have also filed a reply. (Doc. 26). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff concedes that the Magistrate Judge's findings that Plaintiff has failed to state a claim for which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure were correct with respect to Defendants Licking County Sheriff's Department and the Central Ohio Drug Enforcement Task Force. (Doc. 23 at 5). Plaintiff does object to the finding, or lack thereof, with respect to Defendants Kyle Boerstler and Greg Collins. Plaintiff asserts that although the *Report and Recommendation* recommends that his Complaint be dismissed for

failure to state a claim, the *Report and Recommendation* fails to specifically state whether the claims against Boerstler and Collins were dismissed for failure to state a claim upon which relief may be granted.

Plaintiff brings the claims against the individual Defendants Boerstler and Collins pursuant to 42 U.S.C. § 1983. Although the Court agrees that the *Report and Recommendation* could have more clearly stated that Plaintiff's claims against Defendants Boerstler and Collins were dismissed for failure to state a claim upon which relief may be granted, it did state that Plaintiff's § 1983 claims against Defendants in their official capacities are not permitted (Doc. 22 at 6) and that all of Plaintiff's § 1983 claims are barred by *Heck*. (Doc. 22 at 8). Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, ECF No. 22, is **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby **DISMISSED** for failure to state a claim upon which relief may be granted.

The Clerk shall remove Documents 15 and 22 from the Court's pending motions list.
The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT